

Regular Session, 2009

SENATE BILL NO. 116

BY SENATOR MARTINY AND REPRESENTATIVES CONNICK, LABRUZZO, LIGI,
LOPINTO AND TALBOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS. Provides for an indigent transcript fund for the Twenty-Fourth Judicial District.
(gov sig)

AN ACT

To amend and reenact R.S. 13:967(C)(1), (J) and (L) and to enact R.S. 13:967(M), relative
to the Twenty-Fourth Judicial District; to provide for the establishment of an
indigent transcript fund; to provide for court reporter fees; and to provide for related
matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:967(C)(1), (J) and (L) are hereby amended and reenacted and R.S.
13:967(M) is hereby enacted to read as follows:

§967. Twenty-Fourth Judicial District; court reporters; civil filing fees

* * *

C.(1) In all cases on appeal, the reporter shall be paid a fee not to exceed two
dollars and fifty cents for each original page transcribed and, when a copy is
requested by a litigant, shall furnish such copy and be paid a fee not to exceed one
dollar for each page thereof, except that in criminal cases on appeal by indigent
defendants, no more than a total of two dollars and seventy-five cents for each page
transcribed, including all copies necessary for appeal, shall be charged to and paid
from any fund established by law for the payment of expenses incurred in the

1 defense of indigent persons in criminal proceedings. **Nothing in this Section shall**
2 **be construed to make the governing authority of the parish of Jefferson**
3 **responsible for the expenses or costs associated with the preparation of**
4 **transcripts for an indigent defendant in a criminal proceeding, including but**
5 **not limited to bills of exceptions, trials, motions, hearings on writs, or any other**
6 **costs associated with an appeal in a criminal proceeding.**

7 * * *

8 J. In all **civil cases when a party is proceeding in** forma pauperis ~~cases~~ the
9 governing authority of the Parish of Jefferson shall pay to the court reporters of the
10 Twenty-Fourth Judicial District for the transcribing of testimony, when an appeal is
11 taken or upon order of the judge, such amounts as would otherwise be required to be
12 paid by the party who is proceeding in forma pauperis. Such payment shall be made
13 at the time the transcription is filed, but only upon the written approval and order of
14 the Judge. Such payments shall not exceed the sum of fifteen hundred dollars for
15 any one year to each of the said court reporters. The governing authority of the
16 Parish of Jefferson shall be legally subrogated to the rights of the court reporters of
17 the Twenty-Fourth Judicial District as to all sums so paid for the transcription of
18 testimony in pauper cases. All judgments in cases in which the pauper shall be cast
19 for costs, together with a statement of such costs, shall be recorded by the clerk of
20 court in the mortgage records of the Parish of Jefferson for the amount of costs paid.
21 The governing authority of the Parish of Jefferson, at its expense, may have such
22 judgments and statements of costs, or certified copies thereof, recorded in the
23 mortgage records of any other parish or parishes and, when so recorded, they shall
24 operate as judicial mortgages in favor of the governing authority of the Parish of
25 Jefferson for the amount of costs paid.

26 * * *

27 L. Each court reporter appointed under the provisions of R.S. 13:967 shall
28 be required to take an oath of office, and to furnish bond for the faithful performance
29 of the duties of the office. The bond shall be in the sum of two thousand dollars, and

1 shall be approved by the judge making the appointment under R.S. 13:967A(1), and
2 by the senior judge of the court for those appointments made under the provisions
3 of R.S. 13:967A(2). Each bond shall be in favor of the judges of the ~~twenty-fourth~~
4 ~~judicial district court~~ **Twenty-Fourth Judicial District Court**, and any party
5 litigant, for the purpose of protecting litigants against any acts of incompetence or
6 neglect of duty on the part of the reporters. It shall be recorded and filed in the office
7 of the clerk of court for the parish of Jefferson. Any party litigant shall have a right
8 to sue on said bond for any damages sustained by said party litigant by any wrongful
9 act or neglect of duty committed or omitted by the official court reporters in the
10 performance of the duties of official court reporters.

11 **M.(1) The courts of the Twenty-Fourth Judicial District shall establish**
12 **an indigent transcript fund to provide for the payment of court reporter fees for**
13 **transcripts as provided in this Subsection.**

14 **(2) In every court of original, appellate, supervisory, or concurrent**
15 **criminal jurisdiction in Jefferson Parish, including but not limited to the**
16 **Twenty-Fourth Judicial District Court, First Parish Court, Second Parish**
17 **Court, Juvenile Court, and all mayors' courts in municipalities, there shall be**
18 **assessed in all criminal cases, including traffic violations, except parking, an**
19 **additional cost set by the judges en banc, not to exceed the amount authorized**
20 **in R.S. 13:996.63, against every defendant who is convicted after trial or after**
21 **a plea of guilty or nolo contendere. This additional cost shall be transmitted to**
22 **the court and deposited in a special account in the parish treasury to be**
23 **managed and administered by the parish treasurer for and on behalf of the**
24 **courts for the payment of court reporter fees for transcripts in indigent defense**
25 **cases.**

26 **(3) All monies received and deposited under the provisions of this**
27 **Subsection shall be used to pay court reporter fees for transcripts in the**
28 **following order:**

29 **(a) To compensate court reporters for the preparation of transcripts for**

indigent defendants arising from criminal proceedings in the Twenty-Fourth Judicial District, First Parish Court and Second Parish Court, including but not limited to bills of exceptions, trials, motions, hearings on writs, and all other criminal proceedings.

(b) To compensate juvenile court reporters for the preparation of transcripts arising from juvenile proceedings when the juvenile's parent or legal custodian or the adult, over whom the juvenile court is exercising jurisdiction, is found to be indigent in accordance with Children's Code Articles 320 and 321.

(4) Nothing in this Subsection shall preclude a court from ordering the costs for the preparation of transcripts for indigent defendants in criminal proceedings be paid from any other fund established by general or specific law for the payment of expenses incurred in the defense of indigent persons in criminal proceedings.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

DIGEST

Present law provides that in all cases on appeal, the reporter shall be paid a fee not to exceed two dollars and fifty cents for each original page transcribed and, when a copy is requested by a litigant, shall furnish such copy and be paid a fee not to exceed one dollar for each page thereof, except that in criminal cases on appeal by indigent defendants, no more than a total of two dollars and seventy-five cents for each page transcribed, including all copies necessary for appeal, shall be charged to and paid from any fund established by law for the payment of expenses incurred in the defense of indigent persons in criminal proceedings.

Proposed law maintains present law and provides that nothing in present law shall be construed to make the governing authority of the parish of Jefferson responsible for the expenses or costs associated with the preparation of transcripts for an indigent defendant in a criminal proceeding, including but not limited to bills of exceptions, trials, motions, hearings on writs, or any other costs associated with an appeal in a criminal proceeding.

Present law provides that in all forma pauperis cases the governing authority of the parish of Jefferson shall pay the court reporters of the 24th Judicial District for the transcribing of

testimony, when an appeal is taken or upon order of the judge, such amounts as would otherwise be required to be paid by the party who is proceeding in forma pauperis.

Proposed law specifies that present law shall be applied in all civil cases when a party is proceeding in forma pauperis.

Proposed law provides that the courts of the 24th Judicial District shall establish an indigent transcript fund to provide for the payment of court reporter fees for transcripts.

Proposed law provides that in every court of original, appellate, supervisory, or concurrent criminal jurisdiction in Jefferson Parish, including but not limited to the 24th Judicial District Court, First Parish Court, Second Parish Court, Juvenile Court, and all mayors' courts in municipalities, there shall be assessed in all criminal cases, including traffic violations, except parking, an additional cost set by the judges en banc, not to exceed the amount authorized in law, against every defendant who is convicted after trial or after a plea of guilty or nolo contendere. This additional cost shall be transmitted to the court and deposited in a special account in the parish treasury to be managed and administered by the parish treasurer for and on behalf of the courts for the payment of court reporter fees for transcripts in indigent defense cases.

Proposed law provides that all monies received and deposited shall be used to pay court reporter fees for transcripts in the following order:

1. To compensate court reporters for the preparation of transcripts for indigent defendants arising from criminal proceedings in the 24th Judicial District, First Parish Court and Second Parish Court, including but not limited to bills of exceptions, trials, motions, hearings on writs, and all other criminal proceedings.
2. To compensate juvenile court reporters for the preparation of transcripts arising from juvenile proceedings when the juvenile's parent or legal custodian or the adult, over whom the juvenile court is exercising jurisdiction, is found to be indigent in accordance with the law.

Proposed law provides that nothing shall preclude a court from ordering the costs for the preparation of transcripts for indigent defendants in criminal proceedings be paid from any other fund established by general or specific law for the payment of expenses incurred in the defense of indigent persons in criminal proceedings.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 13:967(C)(1), (J) and (L); adds R.S. 13:967(M))